

ORDINANCE NO. 2022-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CLARIFYING THE RESTRICTIONS UNDER A RESTRICTIVE COVENANT AGREEMENT ASSOCIATED WITH ORDINANCE NO. 2021-77 THAT APPROVED A 22.58-ACRE “EC” EMPLOYMENT CENTER ZONING DISTRICT LOCATED AT THE NORTHWEST CORNER OF THE WONDER WORLD DRIVE BY REMOVING “WAREHOUSE” AS A PROHIBITED USE; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The Restrictive Covenant Agreement approved in conjunction with the Ordinance No. 2021-77 is hereby amended to remove “warehouse” as a prohibited use with in the “EC” Employment Center zoning approved for 22.58 acres of land as described in said ordinance and Restrictive Covenant Agreement. The amended Restrictive Covenant Agreement is attached as Exhibit A and is made a part hereof for all purposes.

SECTION 2. The Restrictive Covenant Agreement in Exhibit A shall supersede the prior version approved in conjunction with Ordinance No. 2021-77. The Restrictive Covenant Agreement shall be appended to said ordinance and said ordinance shall become effective upon the recording of the Restrictive Covenant Agreement.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on July 5, 2022.

PASSED, APPROVED AND ADOPTED on second reading on August 2, 2022.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

[ATTACH FINAL VERSION OF AMENDED RESTRICTIVE COVENANT]

Date Restrictive Covenant Agreement Recorded: _____